

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

JOHN ESTRADA,

Plaintiff,

v.

Civ. No. 18-878 GBW/GJF

ALLSTATE PROPERTY AND CASUALTY
INSURANCE COMPANY,

Defendant.

**ORDER SETTING PRETRIAL
DEADLINES AND BRIEFING SCHEDULE**

The Court held a Rule 16 initial scheduling conference on **October 30, 2018**. The Joint Status Report is adopted as an order of the Court, except as provided below.

The Stipulated Motion to Bifurcate and Stay Proceedings as to Defendant Allstate Property and Casualty Insurance Company [ECF No. 12] is **GRANTED** as follows: Discovery associated with Plaintiff's extra-contractual claims is **stayed** until the Court orders otherwise. It is the Court's expectation that an early discovery period limited to discrete issues associated with the underlying contractual claim may lead to a resolution of the entire case without need for any discovery on the extra-contractual claims. With regard to the contractual claim, all discovery will be limited to the following issues: (1) the medical causation of Plaintiff's injuries; (2) the extent of his injuries; and (3) his lost wages claim.

The deadline for Plaintiff to amend pleadings and/or join additional parties is **December 18, 2018**. The deadline for Defendant to amend pleadings and/or join additional parties is **January 14, 2019**.

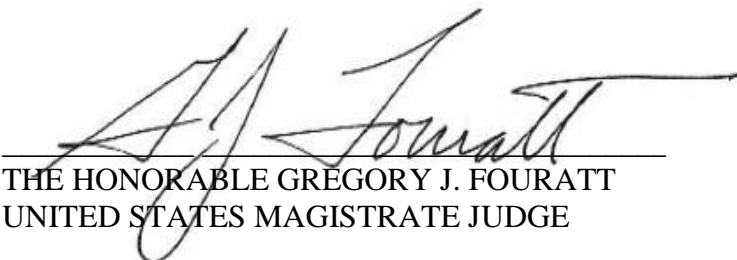
Each side shall be limited to serving twenty-five (25) interrogatories, twenty-five (25) requests for admission, and twenty-five (25) requests for production on the other side. Responses

shall be served within thirty (30) days. Depositions shall be limited to three (3) per side. Depositions of lay and expert witnesses are limited to four (4) and seven (7) hours, respectively, unless extended by agreement among all counsel.

All expert witnesses must be disclosed by the parties, even if the expert is not required to submit an expert report. See *Musser v. Gentiva Health Servs.*, 356 F.3d 751, 756-57 (7th Cir. 2004); FED. R. CIV. P. 26(a)(2)(B) & (C); D.N.M.LR-Civ. 26.3(b). Plaintiff shall identify to Defendant in writing any expert witness to be used by Plaintiff at trial and provide expert reports or other disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2)(B) & (C) no later than **February 1, 2019**. Defendant shall identify in writing any expert witness to be used at trial and provide expert reports or other disclosures pursuant to Federal Rule of Civil Procedure 26(a)(2)(B) & (C) no later than **March 1, 2019**.

The termination date for early discovery is **April 5, 2019**, and discovery shall not be reopened, except by an order of the Court upon a showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.¹

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE

¹ By separate order, the Court will set a telephonic status conference in March 2019 to discuss the progress of early discovery, the utility of scheduling a settlement conference, and/or the commencement and scheduling of discovery associated with the extra-contractual claims.